

# **EXHIBIT B**

**456th District Court**  
**Case Summary**  
**Case No. 21-0932-CV-E**

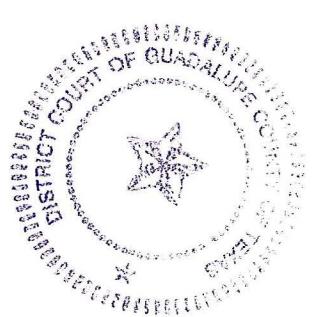
**Carl Quast**  
vs.  
**Lowe's Home Stores**

Location: **456th District Court**  
Judicial Officer: **Heather Wright**  
Filed on: **05/03/2021**  
Other:

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**Case Information**  
Case Type: Damage - Other than Motor Vehicle

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Electronically Filed  
5/3/2021 11:41 AM  
Linda Balk  
Guadalupe County District Clerk  
Diana Alaniz

**Debra Crow, District Clerk  
Guadalupe County, Texas**

**CAUSE NUMBER:** 21-0932-CV-E

**REQUEST FOR PROCESS**

Citation  Notice  TRO  Precept   
Other: \_\_\_\_\_

**DATE:** 05/3/2021

**NAME OF PERSON:** CTS D/B/A CSC- Lawyers Incorporating Service Company

**ADDRESS:** 211 E. 7th Street, Suite 620,

**CITY/STATE/ZIP:** Austin, Texas, 78701

**DOCUMENT TO BE SERVED WITH:** CITATION

**REQUESTED BY:** SHAKILA M. BREWER

**ADDITIONAL COMMENTS:** EARENAS@THOMASJHENRYLAW.COM

**\*\*IF SERVICE IS NOT PICKED UP WITHIN 14 BUSINESS  
DAYS, SERVICE WILL BE DESTROYED\*\***

21-0932-CV-E  
CAUSE NO. \_\_\_\_\_

Electronically Filed  
5/3/2021 11:41 AM  
Linda Balk  
Guadalupe County District Clerk  
Diana Alaniz

**CARL QUAST**  
*Plaintiff*

VS.

**LOWES HOME CENTER,**  
*Defendant*

**IN THE DISTRICT COURT**

§§§§§  
**JUDICIAL DISTRICT**  
§§§§§  
**GUADALUPE COUNTY, TEXAS**

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**CARL QUAST'S ORIGINAL PETITION,  
TRCP 193.7 NOTICE OF SELF-AUTHENTICATION,  
TRCP 194.2 REQUESTS FOR DISCLOSURE AND ATTACHED DISCOVERY**

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**TO THE HONORABLE JUDGE OF SAID COURT:**

NOW COMES Carl Quast, hereinafter referred to by name or as Plaintiff, and complains of Lowes Home Center, hereinafter referred to by name or as Defendant, and for cause of action would respectfully show unto the Court as follows:

**I.**  
**DISCOVERY CONTROL PLAN**

1. Carl Quast intends that discovery be conducted under LEVEL 3 of RULE 190 of the TEXAS RULES OF CIVIL PROCEDURE.

**II.**  
**PARTIES**

2. Plaintiff Carl Quast is an individual residing in GUADALUPE COUNTY, Texas.

3. Defendant Lowes HOME CENTER, is a for-profit corporation licensed to do business in the State of Texas and may be served with process through its registered agent CTS D/B/A CSC-Lawyers Incorporating Service Company at 211 E. 7th Street, Suite 620, Austin, Texas, 78701.



**III.**  
**JURISDICTION & VENUE**

4. This Court has jurisdiction over the parties because the amount in controversy is within the jurisdictional limits of this Court. Additionally, this Court has jurisdiction over the parties because Defendant is a Texas resident and/or does business in the State of Texas.

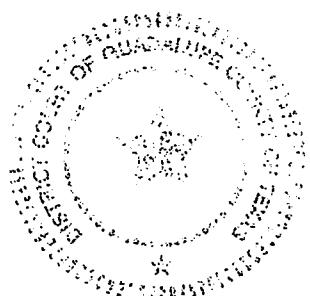
5. Venue is proper in Guadalupe County in this cause pursuant to § 15.002(a)(1) of the CIVIL PRACTICE & REMEDIES CODE because the incident which forms the basis of this lawsuit occurred in Guadalupe County, Texas.

**IV.**  
**FACTS**

6. On or about March 15, 2020, Plaintiff Carl Quast was a customer shopping at the Defendant's store located 17280 I-35 N., Schertz, Guadalupe County, Texas, 78154. Plaintiff was standing in line at Lowes waiting to check out, when unbeknownst to Plaintiff, an employee placed a power jack behind Plaintiff. Without Plaintiff knowing the power jack was behind him, Plaintiff stepped backwards and tripped and fell on the power jack. Lowes employees gave no warnings or informed the Plaintiff that the jack was placed behind him. There were also no verbal warnings as to this potentially dangerous jack near Plaintiff. Plaintiff suffered body injuries and needed subsequent medical treatment and surgery.

7. Defendant breached the duty of care it owed to Plaintiff as a business invitee and was both negligent in its failure to exercise ordinary care in the safety of Plaintiff. Consequently, Plaintiff was an invitee to whom Defendant owed a duty to use ordinary care, including the duty to protect and safeguard Plaintiff from unreasonably dangerous conditions on the premises, or to warn of their existence. Plaintiff seeks all applicable damages available under Texas law.

V.



**CAUSES OF ACTION AGAINST**  
**DEFENDANT LOWES HOME CENTER.**

**A. NEGLIGENCE**

8. Plaintiff would show that the Lowe's Home Center employees referenced in the above-referenced paragraph owed Plaintiff a duty to use ordinary care in the execution of their employment duties so as not to jeopardize the health and safety of Lowe's Home Center customers. Plaintiff would further show that said Lowe's Home Center employees owed Plaintiff a duty not to create a hazardous, dangerous, and/or unsafe shopping environment for Lowe's Home Center customers. Plaintiff would further show that said employees owed Plaintiff a duty to use ordinary care in the operation of Lowe's Home Center equipment. Finally, Plaintiff would show that said employees owed Plaintiff a duty to refrain from engaging in actions or activities that would foreseeably result in bodily injuries to Lowe's Home Center customers or the public at large.

9. Plaintiff would show that the Lowe's Home Center in questions breached the foregoing duties in one or more of the following respects:

- a. Operating store equipment in a dangerous and/or unsafe manner;
- b. Creating a hazardous, dangerous, and/or unsafe environment for customers;
- c. Leaving equipment in an area in the store where it was foreseeable that customers would be present;
- d. Engaging in dangerous and/or unsafe activities that would foreseeably result in harm;
- e. Failing to keep proper lookout;
- f. Failing to properly placed dangerous equipment in its proper storage place in order to avoid contact with Plaintiff; and
- g. Failing to warn of the hazard to Plaintiff specifically and customers generally.

Each of these acts and/or omissions, whether taken singularly or in any combination constitutes negligence and negligence *per se* which proximately caused the incident and injuries and other losses as specifically set forth herein.

***B. RESPONDENT SUPERIOR***

10. At all times material hereto, all of the agents, servants, and/or employees for Defendant, who were connected with the occurrence made the subject of this suit were acting within the course and scope of their employment or official duties and in furtherance of the duties of their office or employment. Therefore, Defendant is further liable for the negligent acts and omissions of their employees under the doctrine of *Respondent Superior*.

11. Each and all of the foregoing acts and/or omissions of the agents, servants, and/or employees for Defendant were negligent and constituted negligence and were each and all the proximate cause of the incident which forms the basis of this suit, and was a proximate cause of Plaintiff's injuries and damages.

**VI.**  
**DAMAGES**

15. As a direct and proximate result of the collision and the negligent conduct of the Defendant, Plaintiff Carl Quast suffered bodily injuries as reflected in the medical records from the health care providers that have treated the injuries since the incident. The injuries may be permanent in nature. The injuries have had an effect on the Plaintiff's health and well-being. As a further result of the nature and consequences of his injuries, the Plaintiff has suffered and may continue to suffer into the future, physical pain and mental anguish.

16. As a further result of all of the above, Plaintiff has incurred expenses for their medical care and attention in the past and may incur medical expenses in the future to treat their injuries.

17. By reason of all of the above, Plaintiff has suffered losses and damages in a sum within the jurisdictional limits of this Court for which he now sues.

18. Plaintiff asserts that the amount of any monetary damages awarded to Plaintiff should be decided by a jury of Plaintiff's peers. However, RULE 47 of the TEXAS RULES OF CIVIL PROCEDURE requires Plaintiff to affirmatively plead the amount of damages sought. Pursuant to RULE 47 of the TEXAS RULES OF CIVIL PROCEDURE, Plaintiff seeks monetary relief **OVER TWO HUNDRED THOUSAND AND 00/100 DOLLARS (\$200,000.00)** but not more than **FIVE MILLION AND 00/100 DOLLARS (\$5,000,000.00)** and a demand for judgment for all the other relief to which Plaintiff is justly entitled at the time of filing this suit, which, with the passage of time, may change.

**VII.**  
**INTEREST**

19. Carl Quast's further requests both pre-judgment and post-judgment interest on all of his damages as allowed by law.

**VIII.**  
**DEMAND FOR JURY TRIAL**

20. Plaintiff **Carl Quast** demands a trial by jury. Plaintiff acknowledges payment on the date of the original filing.

**IX.**  
**REQUEST FOR DISCLOSURE**

21. Pursuant to RULE 194 of the TEXAS RULES OF CIVIL PROCEDURE, Defendant is requested to disclose, within fifty (50) days of service hereof, the information and material described in each section of RULE 194.2.

**X.**  
**NOTICE OF SELF-AUTHENTICATION**



22. Pursuant to RULE 193.7 of the TEXAS RULES OF CIVIL PROCEDURE, Defendant is hereby noticed that the production of any document in response to written discovery authenticates the document for use against that party in any pretrial proceeding or at trial

**XI.**  
**DESIGNATED E-SERVICE EMAIL ADDRESS**

The following is the undersigned attorney's designated E-Service email address for all e-served documents and notices, filed and unfiled, pursuant to Tex. R. Civ. P. 21(f)(2) & 21a: [smillberbrewer-svc@thomasjhenrylaw.com](mailto:smillberbrewer-svc@thomasjhenrylaw.com). This is the undersigned's only E-Service email address, and service through any other email address will be considered invalid.

**PRAYER**

**WHEREFORE, PREMISES CONSIDERED**, Plaintiff requests that the Defendant be cited to appear and answer, and on final trial hereafter, the Plaintiff has judgment against the Defendant in an amount within the jurisdictional limits of this Court, together with all pre-judgment and post-judgment interest as allowed by law, costs of Court, and for such other and further relief to which Plaintiff may be justly entitled by law and equity, including, but not limited to:

1. Pain and suffering in the past;
2. Pain and suffering in the future;
3. Mental anguish in the past;
4. Mental anguish in the future;
5. Past medical expenses;
6. Future medical expenses;
7. Physical impairment in the past;
8. Physical impairment in the future;
9. Physical disfigurement in the past;
10. Physical disfigurement in the future;
11. Lost wages in the past;
12. Loss of future wage earning capacity;
13. Property damage;
14. Loss of use;

15. Pre-judgment interest;
16. Post-judgment interest; and
17. Exemplary damages;

RESPECTFULLY SUBMITTED,

LAW OFFICES OF THOMAS J. HENRY  
5711 UNIVERSITY HEIGHTS BLVD., SUITE 101  
SAN ANTONIO, TEXAS 78246  
PHONE: (210) 656-1000  
FAX: (361) 985-0601



---

SHAKILA MILLER-BREWER  
STATE BAR NO. 24091365  
\*email: [smillerbrewer-svc@thomasjhenrylaw.com](mailto:smillerbrewer-svc@thomasjhenrylaw.com)  
ATTORNEY FOR PLAINTIFF

\* service by email to this address only



**COPY**

**Cause No. 21-0932-CV-E  
CIVIL CITIGATION**

THE STATE OF TEXAS

TO: **Lowe's Home Improvement Stores**  
By Serving Registered Agent  
CTS D/B/A CSC-Lawyers  
Incorporating Service Company  
211 E 7th Street, Suite 620  
Austin TX 78701

Defendant, in the hereinafter styled and number cause:

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this citation and **CARL QUAST'S ORIGINAL PETITION TRCP 193.7 NOTICE OF SELF-AUTHENTICATION, TRCP 194.2 REQUESTS FOR DISCLOSURE AND ATTACHED DISCOVERY**, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at [TexasLawHelp.org](http://TexasLawHelp.org)."

Said answer may be filed by mailing same to: Linda Balk, District Clerk, 211 West Court Street, Seguin, Texas 78155 or bringing it to the office.

In the above numbered cause, styled,

Carl Quast  
vs.  
Lowe's Home Stores

Said petition filed in the 25<sup>th</sup> Judicial District Court on the **3RD DAY OF MAY, 2021**

BY: **Shakila Miller-Brewer**  
5711 University Heights Blvd  
Unit 101  
San Antonio TX 78246

ISSUED AND GIVEN UNDER MY HAND AND SEAL OF said Court at office, **on this the 3rd day of May, 2021**

LINDA BALK, District Clerk  
GUADALUPE COUNTY JUSTICE CENTER  
211 WEST COURT STREET  
SEGUIN, TEXAS 78155

BY

*Jennifer Leal*



**ORIGINAL** return to court

21-0932-CV-E  
 Carl Quast  
 vs.  
 Lowe's Home Stores  
 Issued: 5/3/2021

RETURN OF SERVICE  
 25<sup>TH</sup> JUDICIAL DISTRICT COURT OF GUADALUPE COUNTY, TEXAS

Executed when copy is delivered:

This is a true copy of the original citation, was delivered to Defendant \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_, Officer  
 \_\_\_\_\_, County, Texas  
 By: \_\_\_\_\_, Deputy

**ADDRESS FOR SERVICE:**

Lowe's Home Improvement Stores  
 By Serving Registered Agent  
 CTS D/B/A CSC-Lawyers Incorporating Service  
 Company  
 211 E 7th Street, Suite 620  
 Austin TX 78701

OFFICER'S RETURN

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_, o'clock \_\_\_m., and executed in \_\_\_\_\_ County, Texas by delivering to each of the within named defendants in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the CARL QUAST'S ORIGINAL PETITION TRCP 193.7 NOTICE OF SELF-AUTHENTICATION, TRCP 194.2 REQUESTS FOR DISCLOSURE AND ATTACHED DISCOVERY at the following times and places, to-wit:

Name \_\_\_\_\_ Date/Time \_\_\_\_\_ Place, Course and Distance from Courthouse \_\_\_\_\_

And not executed as to the defendant(s), \_\_\_\_\_  
 The diligence used in finding said defendant(s) being: \_\_\_\_\_

and the cause or failure to execute this process is: \_\_\_\_\_

and the information received as to the whereabouts of said defendant(s) being: \_\_\_\_\_

**FEES:**

Serving Petition and Copy \$ \_\_\_\_\_

Total \$ \_\_\_\_\_, Officer  
 \_\_\_\_\_, County, Texas  
 By: \_\_\_\_\_, Deputy

Affiant

**COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.**

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is required to be verified. If the return is signed by a person other than a sheriff, constable or clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_, and my  
 (First, Middle, Last)  
 address is \_\_\_\_\_  
 (Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in \_\_\_\_\_ County, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_.

Declarant/Authorized Process Server

(Id # & Expiration of Certification)

ORIGINAL return to court



Electronically Filed  
5/10/2021 2:33 PM  
Linda Balk  
Guadalupe County District Clerk  
Jennifer Leal

**Cause No. 21-0932-CV-E  
CIVIL CITIGATION**

**THE STATE OF TEXAS**

**TO: Lowe's Home Improvement Stores  
By Serving Registered Agent  
CTS D/B/A CSC-Lawyers  
Incorporating Service Company  
211 E 7th Street, Suite 620  
Austin TX 78701**

Defendant, in the hereinafter styled and number cause:

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this citation and **CARL QUAST'S ORIGINAL PETITION TRCP 193.7 NOTICE OF SELF-AUTHENTICATION, TRCP 194.2 REQUESTS FOR DISCLOSURE AND ATTACHED DISCOVERY**, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at [TexasLawHelp.org](http://TexasLawHelp.org)."

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In the above numbered cause, styled,

Carl Quast  
vs.  
Lowe's Home Stores

Said petition filed in the 25<sup>th</sup> Judicial District Court on the **3RD DAY OF MAY, 2021**

BY: Shakila Miller-Brewer  
5711 University Heights Blvd  
Unit 101  
San Antonio TX 78246

ISSUED AND GIVEN UNDER MY HAND AND SEAL OF said Court at office, on this the 3rd day of May, 2021

LINDA BALK, District Clerk  
GUADALUPE COUNTY JUSTICE CENTER  
211 WEST COURT STREET  
SEGUIN, TEXAS 78155

BY

*Jennifer Leal*



**ORIGINAL** -return to court

21-0932-CV-E  
Carl Quast  
vs.  
Lowe's Home Stores  
Issued: 5/3/2021

**RETURN OF SERVICE**  
25<sup>TH</sup> JUDICIAL DISTRICT COURT OF GUADALUPE COUNTY, TEXAS

Executed when copy is delivered:

\_\_\_\_\_, Officer  
\_\_\_\_\_, County, Texas  
By: \_\_\_\_\_, Deputy

**ADDRESS FOR SERVICE:**

**Lowe's Home Improvement Stores  
By Serving Registered Agent  
CTS D/B/A CSC-Lawyers Incorporating Service  
Company  
211 E 7th Street, Suite 620  
Austin TX 78701**

## OFFICER'S RETURN

Came to hand on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_, o'clock \_\_\_a.m., and executed in \_\_\_\_\_ County, Texas by delivering to each of the within named defendants in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the **CARL QUAST'S ORIGINAL PETITION TRCP 193.7 NOTICE OF SELF-AUTHENTICATION, TRCP 194.2 REQUESTS FOR DISCLOSURE AND ATTACHED DISCOVERY** at the following times and places, to-wit:

**Name** **Date/Time** **Place, Course and Distance from Courthouse**

And not executed as to the defendant(s), \_\_\_\_\_  
The diligence used in finding said defendant(s) being:

and the cause or failure to execute this process is:

---

Digitized by srujanika@gmail.com

**FEES:**

Total \$ \_\_\_\_\_, Officer  
\_\_\_\_\_, County, Texas  
By: \_\_\_\_\_, Deputy

**Affiant**

**COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.**

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_, and my  
(First, Middle, Last)  
address is \_\_\_\_\_  
(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in \_\_\_\_\_ County, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_

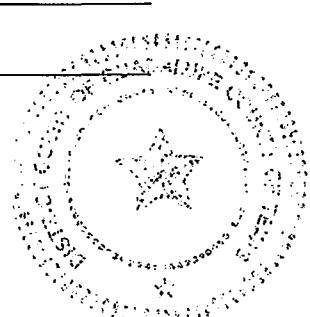
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Declarant/Authorized Process Server

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(Id # & Expiration of Certification)

ORIGINAL; return to court



AFFIDAVIT OF SERVICE

State of Texas

County of GUADALUPE

25th Judicial District Court

Case Number: 21-0932-CV-E

Plaintiff:  
CARL QUAST

vs.

Defendant:  
LOWES HOME CENTER

For:  
Shakila Miller-Brewer  
LAW OFFICE OF THOMAS J. HENRY  
521 STARR STREET  
CORPUS CHRISTI, TX 78401

Received by Mike Techow on the 4th day of May, 2021 at 9:12 am to be served on LOWES HOME CENTER BY SERVING CORPORATION SERVICE COMPANY DBA CSC LAWYERS INCORPORATING SERVICE COMPANY, 211 E 7TH STREET, STE 620, AUSTIN, TX 78701.

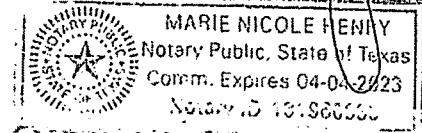
I, Mike Techow, being duly sworn, depose and say that on the 5th day of May, 2021 at 2:50 pm, I:

delivered to REGISTERED AGENT by delivering a true copy of the CITATION / CARL QUAST'S ORIGINAL PETITION,TRCP 193.7 NOTICE OF SELF-AUTHENTICATION,TRCP 194.2 REQUESTS FOR DISCLOSURE AND ATTACHED DISCOVERY with the date of service endorsed thereon by me, to: Samantha Guerra, CORPORATION SERVICE COMPANY DBA CSC LAWYERS INCORPORATING SERVICE COMPANY as Authorized Agent at the address of: 211 E 7TH STREET, STE 620, AUSTIN, TX 78701 on behalf of LOWES HOME CENTER, and informed said person of the contents therein, in compliance with state statutes.

My name is Mike Techow. My date of birth is 6/26/1972. My work address is 809 Nueces, Austin, TX 78701. I declare under penalty of perjury that the foregoing is true and correct. Executed in Travis County on May 5, 2021 by Mike Techow, declarant.

Subscribed and Sworn to before me on the 5th day of May, 2021 by the affiant who is personally known to me.

*Marie Nicole Henry*  
NOTARY PUBLIC



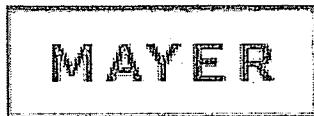
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Mike Techow  
PSC-1215, Exp. 7/31/2022

Pronto Process (San Antonio)  
P.O. Box 7819  
San Antonio, TX 78207  
(210) 226-7192

Our Job Serial Number: BBW-2021005056





Electronically Filed  
5/24/2021 9:07 AM  
Linda Balk  
Guadalupe County District Clerk  
Vanessa Flores

ROBIN R. GANT  
DIRECT: 214.379.6908  
E-MAIL: [RGANT@MAYERLLP.COM](mailto:RGANT@MAYERLLP.COM)

May 24, 2021

Shakila Miller-Brewer  
LAW OFFICES OF THOMAS J. HENRY  
5711 University Heights Blvd., Suite 101  
San Antonio, Texas 78246

Re: ***Carl Quast v. Lowes Home Center***

Cause No.: 21-0932-CV-E

Court: In the 25<sup>th</sup> District Court, Guadalupe County, Texas

Our File No.: 10091.00191

Dear Ms. Miller-Brewer:

Enclosed is **Defendant Lowes Home Center's** (incorrectly named and improper party) **Original Answer and Verified Denial to Plaintiff's Original Petition** in the above-referenced matter, which was e-filed today in the 25<sup>th</sup> District Court, Guadalupe County, Texas.

*Please be advised that we would like to take your client's deposition, on a mutually agreeable date and time, following our receipt of Plaintiff's Answers to Defendants' (forthcoming) written discovery requests.*

Should you have any questions, please do not hesitate to contact me at 214.379.6908 or via email at [rgant@mayerllp.com](mailto:rgant@mayerllp.com).

Sincerely,

**MAYER LLP**

By: /s/ Robin R. Gant  
Robin R. Gant

RRG/pm  
Attachment



Electronically Filed  
5/24/2021 9:07 AM  
Linda Balk  
Guadalupe County District Clerk  
Vanessa Flores

CAUSE NO. 21-0932-CV-E

CARL QUAST, § IN THE DISTRICT COURT  
Plaintiff, §  
v. § GUADALUPE COUNTY, TEXAS  
LOWES HOME CENTER, §  
Defendant. § 25<sup>th</sup> JUDICIAL DISTRICT

---

DEFENDANT LOWES HOME CENTER'S  
(incorrectly named and improper party)  
ORIGINAL ANSWER AND VERIFIED DENIAL TO  
PLAINTIFF'S ORIGINAL PETITION

---

LOWES HOME CENTER, (incorrectly named and improper party), and hereinafter referred to as "Defendant" hereby files its Original Answer and Verified Denial to Plaintiff's Original Petition as follows:

I.  
GENERAL DENIAL

1. Defendant denies each and every, all and singular, the material allegations contained within Plaintiff's pleadings and demand strict proof thereof.

II.  
VERIFIED DENIAL

2. Subject to and without waiving the foregoing General Denial, and in the alternative, pursuant to Rule 93 of the TEXAS RULES OF CIVIL PROCEDURE, LOWES HOME CENTER pleads that it is not liable in the capacity in which it has been sued.

3. LOWES HOME CENTER further denies that it owed a duty to the Plaintiff, specifically denies that it has any liability and/or interest in the incident that forms

the basis of the Plaintiff's lawsuit and said denial is supported by verification herein. Furthermore, LOWES HOME CENTER denies that it is a proper party to this lawsuit and hereby challenges this Court's jurisdiction over it. Thus, Defendant asserts that Plaintiff is not entitled to relief from this named Defendant.

**III.**  
**PRAYER FOR RELIEF**

Therefore, LOWES HOME CENTER, (*incorrectly named and improper party*), prays that Plaintiff take nothing by this lawsuit, that Defendant go hence with its costs without delay, and for such other and further relief, both general and special, at law and in equity, to which Defendant may show itself justly entitled.

Respectfully submitted,

**MAYER LLP**  
750 N. Saint Paul Street, Suite 700  
Dallas, Texas 75201  
214.379.6900 / Fax 214.379.6939

By of Robin R. Gant  
Zach T. Mayer  
State Bar No. 24013118  
E-Mail: zmayer@mayerllp.com  
Robin R. Gant  
State Bar No. 24069754  
E-Mail: rgant@mayerllp.com

**ATTORNEYS FOR DEFENDANT**  
**LOWES HOME CENTER**  
(*incorrectly named and improper party*)

---

UNSWORN DECLARATION OF ROBIN R. GANT  
UNDER PENALTY OF PERJURY

---

1. My name is Robin R. Gant and I am a Partner at Mayer LLP. I am a member in good standing of the State Bar of Texas State. I have never been convicted of a crime. I am counsel for named Defendant Lowes Home Center in this lawsuit.

2. I am of sound mind, over the age of eighteen years old, and capable of making this Declaration and it is made based on my own personal knowledge.

3. I am familiar with the facts stated in Section II of *Defendant Lowes Home Center's Original Answer and Verified Denial to Plaintiff's Original Petition* and declare that said facts are true and correct.

4. I declare under penalty of perjury that the foregoing is true and correct. My work address is 750 North Saint Paul Street, Suite 700, Dallas, Texas 75201, 214.379.6908.

EXECUTED this 24<sup>th</sup> day of May 2021.



---

ROBIN R. GANT

**CERTIFICATE OF SERVICE**

This is to certify that on the 24<sup>th</sup> day of May 2021, a true and correct copy of the foregoing has been forwarded to all counsel of record as follows:

Shakila Miller-Brewer  
LAW OFFICES OF THOMAS J. HENRY  
5711 University Heights Blvd., Suite 101  
San Antonio, Texas 78246

*Counsel for Plaintiff*

- E-MAIL
- HAND DELIVERY
- FAXSIMILE
- OVERNIGHT MAIL
- REGULAR, FIRST CLASS MAIL
- E-FILE AND SERVE
- E-SERVICE ONLY
- CERTIFIED MAIL/RETURN RECEIPT REQUESTED

/s/ Robin R. Gant

Robin R. Gant

I, LINDA BALK, Clerk of the District Courts, in Guadalupe County, Texas, certify this copy is true and correct as FILED & RECORDED in the Official Court Records of District Court. Given under my hand and seal of office in Seguin, Texas on the 21 day of May, 2021.  
LINDA BALK, District Clerk, Guadalupe County, Texas

By \_\_\_\_\_

Deputy